

# House File 430 - Introduced

HOUSE FILE 430  
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HF 10)

## A BILL FOR

1 An Act relating to education, including requirements related to  
2 mandatory reporters, a process for investigating complaints  
3 against school employees, and the responsibilities of the  
4 department of education, school districts, charter schools,  
5 accredited nonpublic schools, and the board of educational  
6 examiners.  
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 232.69, subsection 1, unnumbered  
2 paragraph 1, Code 2023, is amended to read as follows:

3 The classes of persons enumerated in this subsection shall  
4 make a report within twenty-four hours and as provided in  
5 section 232.70, of cases of child abuse. In addition, the  
6 classes of persons enumerated in this subsection shall make a  
7 report of abuse of a child ~~who is under twelve years of age and~~  
8 ~~may make a report of abuse of a child who is twelve years of age~~  
9 ~~or older~~, which would be defined as child abuse under section  
10 232.68, subsection 2, paragraph "a", subparagraph (3) or (5),  
11 except that the abuse resulted from the acts or omissions of  
12 a person other than a person responsible for the care of the  
13 child.

14 Sec. 2. Section 232.69, subsection 1, paragraph b,  
15 subparagraph (4), Code 2023, is amended to read as follows:

16 (4) A licensed school employee, certified para-educator,  
17 holder of a coaching authorization issued under section 272.31,  
18 school employee who is eighteen years of age or older, or an  
19 instructor employed by a community college.

20 Sec. 3. Section 232.70, subsection 5, Code 2023, is amended  
21 by adding the following new paragraph:

22 NEW PARAGRAPH. *Of.* If the person making the report is a  
23 licensed school employee who reasonably believes the person  
24 responsible for the injury is also a licensed school employee,  
25 the identity of the licensed school employee the person making  
26 the report believes is responsible for the injury.

27 Sec. 4. Section 256.9, Code 2023, is amended by adding the  
28 following new subsection:

29 NEW SUBSECTION. 66. *a.* Develop and implement a process  
30 for the reporting and investigation of any incident that arises  
31 that may reasonably lead to the conclusion that any individual  
32 who is employed by the board of directors of a school district,  
33 the authorities in charge of an accredited nonpublic school,  
34 or the governing board of a charter school, including an  
35 individual with a license, endorsement, certification,

1 authorization, or statement of recognition issued by the  
2 board of educational examiners, has committed a felony or,  
3 in the case of an individual with a license, endorsement,  
4 certification, authorization, or statement of recognition  
5 issued by the board of educational examiners, has engaged in  
6 conduct described in section 272.15, subsection 1, paragraph  
7 "a", subparagraph (1), subparagraph divisions (a) through (d).

8     *b.* The process shall prohibit the board of directors of a  
9 school district, the authorities in charge of an accredited  
10 nonpublic school, and the governing board of a charter school  
11 from entering into any of the following:

12     (1) A written or oral agreement that prohibits the board  
13 of directors of the school district, the authorities in charge  
14 of an accredited nonpublic school, the governing board of  
15 a charter school, an employee of the school district, the  
16 accredited nonpublic school, or the charter school, or a  
17 contractor of the school district, the accredited nonpublic  
18 school, or the charter school from discussing an incident, past  
19 performance or actions, past allegations leading to discipline  
20 or adverse employment action, or employee resignation with any  
21 governmental agent, governmental officer, or any potential  
22 employer.

23     (2) A written or oral agreement that waives the liability  
24 of an individual with a license, endorsement, certification,  
25 authorization, or statement of recognition issued by the  
26 board of educational examiners related to or arising from an  
27 incident, past performance or action, or past allegations of  
28 wrongdoing.

29     *c.* The process shall require the board of directors of a  
30 school district, the authorities in charge of an accredited  
31 nonpublic school, and the governing board of a charter school  
32 to finalize the investigation of the incident even if the  
33 employee resigns or the employee's contract is terminated  
34 during the investigation.

35     *d.* The process shall require the board of directors of a

1 school district, the authorities in charge of an accredited  
2 nonpublic school, and the governing board of a charter school  
3 to take all of the following actions with respect to employees  
4 who do not hold a license, endorsement, certification,  
5 authorization, or statement of recognition issued by the board  
6 of educational examiners:

7 (1) Collect and retain all complaints and reports related to  
8 incidents reported under this subsection that are associated  
9 with the employee.

10 (2) Notify the school district, accredited nonpublic  
11 school, or charter school that employs, or is seeking to  
12 employ, the employee of the existence and nature of the  
13 complaints and reports related to incidents reported under this  
14 subsection that are associated with the employee if contacted  
15 by the school district, accredited nonpublic school, or charter  
16 school. This subparagraph shall not be construed to require  
17 the board of directors of a school district, the authorities  
18 in charge of an accredited nonpublic school, or the governing  
19 board of a charter school to disclose unfounded, closed  
20 investigations.

21 e. The board of directors of a school district, the  
22 authorities in charge of an accredited nonpublic school, or  
23 the governing board of a charter school, and contractors of  
24 the school district, the accredited nonpublic school, or the  
25 charter school shall be immune from any civil liability arising  
26 from discussing an incident, past performance or actions,  
27 past allegations leading to discipline or adverse employment  
28 action, or employee resignation with any governmental agent,  
29 governmental officer, or any potential employer.

30 f. If the board of educational examiners finds that the  
31 board of directors of a school district, the authorities in  
32 charge of an accredited nonpublic school, or the governing  
33 board of a charter school has intentionally failed to follow  
34 the process established by this subsection regarding an  
35 incident, or the reporting requirements established pursuant

1 to section 272.15, related to an employee who holds a license,  
2 endorsement, certification, authorization, or statement of  
3 recognition issued by the board of educational examiners, the  
4 board of educational examiners shall assess a fine against an  
5 administrator of the school district, the accredited nonpublic  
6 school, or the charter school who failed to ensure compliance  
7 with the process of not less than five hundred dollars and not  
8 more than five thousand dollars. Payments of the fine provided  
9 in this paragraph shall be remitted to the treasurer of the  
10 state for deposit in the general fund of the state.

11 *g.* If the department finds that the board of directors of  
12 a school district, the authorities in charge of an accredited  
13 nonpublic school, or the governing board of a charter school  
14 has intentionally failed to follow the process established by  
15 this subsection regarding an incident related to an employee  
16 who does not hold a license, endorsement, certification,  
17 authorization, or statement of recognition issued by the board  
18 of educational examiners, the department shall assess a fine  
19 against an administrator of the school district, the accredited  
20 nonpublic school, or the charter school who failed to ensure  
21 compliance with the process of not less than five hundred  
22 dollars and not more than five thousand dollars. Payments of  
23 the fine provided in this paragraph shall be remitted to the  
24 treasurer of the state for deposit in the general fund of the  
25 state.

26 *h.* If the board of educational examiners finds that the  
27 board of directors of a school district, the authorities in  
28 charge of an accredited nonpublic school, or the governing  
29 board of a charter school has intentionally concealed, or  
30 attempted to conceal from any governmental agent, governmental  
31 officer, or potential employer a founded incident, or any  
32 conduct required to be reported pursuant to section 272.15,  
33 related to an employee who holds a license, endorsement,  
34 certification, authorization, or statement of recognition  
35 issued by the board of educational examiners, the board

1 of educational examiners shall assess a fine against an  
 2 administrator of the school district, the accredited nonpublic  
 3 school, or the charter school who assisted in the concealment,  
 4 or attempted concealment, of an incident, or any conduct  
 5 required to be reported pursuant to section 272.15, of not more  
 6 than ten thousand dollars. Payments of the fine provided in  
 7 this paragraph shall be remitted to the treasurer of the state  
 8 for deposit in the general fund of the state.

9     *i.* If the department finds that the board of directors of  
 10 a school district, the authorities in charge of an accredited  
 11 nonpublic school, or the governing board of a charter school  
 12 has intentionally concealed, or attempted to conceal from  
 13 any governmental agent, governmental officer, or potential  
 14 employer a founded incident related to an employee who does  
 15 not hold a license, endorsement, certification, authorization,  
 16 or statement of recognition issued by the board of educational  
 17 examiners, the department shall assess a fine against an  
 18 administrator of the school district, the accredited nonpublic  
 19 school, or the charter school who assisted in the concealment,  
 20 or attempted concealment, of an incident of not more than  
 21 ten thousand dollars. Payments of the fine provided in this  
 22 paragraph shall be remitted to the treasurer of the state for  
 23 deposit in the general fund of the state.

24     Sec. 5. Section 256E.7, subsection 2, Code 2023, is amended  
 25 by adding the following new paragraphs:

26     NEW PARAGRAPH. *0j.* Be subject to and comply with the  
 27 requirements of section 280.33 relating to the reporting and  
 28 investigation of an incident involving the possible commission  
 29 of a felony by any person who has been issued a license,  
 30 endorsement, certification, authorization, or statement of  
 31 recognition by the board of educational examiners in the same  
 32 manner as a school district.

33     NEW PARAGRAPH. *00j.* Be subject to and comply with the  
 34 requirements of section 280.34 relating to the requirement  
 35 to view the board of educational examiners' public license

1 information prior to hiring an individual who has been issued  
2 a license, endorsement, certification, authorization, or  
3 statement of recognition by the board of educational examiners  
4 in the same manner as a school district.

5 Sec. 6. Section 272.2, subsection 14, paragraph b,  
6 subparagraph (1), unnumbered paragraph 1, Code 2023, is amended  
7 to read as follows:

8 The person entered a plea of guilty to, ~~or~~ has been found  
9 guilty of, or the board has found by a preponderance of the  
10 evidence that the person committed, any of the following  
11 offenses, whether or not a sentence is imposed:

12 Sec. 7. Section 272.2, subsection 15, Code 2023, is amended  
13 to read as follows:

14 15. a. Adopt rules that require specificity in written  
15 complaints that are filed by individuals who have personal  
16 knowledge of an alleged violation and which are accepted by  
17 the board, provide that the jurisdictional requirements as set  
18 by the board in administrative rule are met on the face of the  
19 complaint before initiating an investigation of allegations,  
20 provide that any investigation be limited to the allegations  
21 contained on the face of the complaint, provide for an adequate  
22 interval between the receipt of a complaint and public notice  
23 of the complaint, permit parties to a complaint to mutually  
24 agree to a resolution of the complaint filed with the board,  
25 allow the respondent the right to review any investigative  
26 report upon a finding of probable cause for further action by  
27 the board, require that the conduct providing the basis for  
28 the complaint occurred within three years of discovery of the  
29 event by the complainant unless good cause can be shown for  
30 an extension of this limitation, ~~and~~ require complaints to be  
31 resolved within one hundred eighty days unless good cause can  
32 be shown for an extension of this limitation, and require the  
33 board to finalize the investigation of the written complaint  
34 even if the licensed practitioner resigns or surrenders the  
35 licensed practitioner's license, certificate, authorization, or

1 statement of recognition during the investigation.

2 b. Adopt rules that require the collection and retention of  
 3 written complaints that are filed. If the board determines a  
 4 written complaint is not founded, the complaint and all records  
 5 related to the complaint shall be kept confidential and are not  
 6 subject to chapter 22.

7 c. Adopt rules that require the board to notify the public  
 8 when a licensed practitioner who is the subject of an ongoing  
 9 investigation initiated under paragraph "a" has a case pending  
 10 with a finding of probable cause. This paragraph shall not be  
 11 construed to require the board to disclose unfounded, closed  
 12 investigations initiated under paragraph "a".

13 d. Adopt rules that require the evaluation of complaints  
 14 that did not result in any discipline or sanction if similar  
 15 complaints are filed against the same licensed practitioner.

16 e. Adopt rules that require the board to investigate an  
 17 administrator who is employed by the school that employs a  
 18 licensed practitioner who is the subject of an investigation  
 19 initiated under paragraph "a". The rules shall require  
 20 the board to investigate whether the administrator filed a  
 21 written complaint pursuant to this subsection and whether the  
 22 administrator was required to report to the board pursuant to  
 23 section 272.15.

24 Sec. 8. Section 272.3, Code 2023, is amended by striking the  
 25 section and inserting in lieu thereof the following:

26 **272.3 Membership.**

27 1. The board of educational examiners shall consist of  
 28 eleven members, subject to the following requirements:

29 a. Six members shall be the parent or guardian of a student  
 30 who is either currently enrolled or has been enrolled within  
 31 the seven years immediately prior to the member's appointment  
 32 in a school district, nonpublic school, or charter school  
 33 located in this state and shall not currently hold any elective  
 34 office, shall not be an employee or contractor of a school  
 35 district, nonpublic school, or charter school, and shall not



1 have been an employee or contractor of a school district,  
2 nonpublic school, or charter school within the ten years  
3 immediately prior to the member's appointment.

4     *b.* Five members shall be licensed practitioners. One of  
5 the members appointed pursuant to this paragraph shall be an  
6 administrator and one shall be a special education teacher.

7     2. The membership of the board shall comply with the  
8 requirements of sections 69.16 and 69.16A. A quorum of the  
9 board shall consist of six members. Members shall elect a  
10 chairperson of the board. Members shall be appointed by the  
11 governor subject to confirmation by the senate.

12     Sec. 9. Section 272.4, subsection 1, Code 2023, is amended  
13 to read as follows:

14     1. ~~Members, except for the director of the department of~~  
15 ~~education or the director's designee,~~ shall be appointed to  
16 serve staggered terms of four years. A member shall not serve  
17 more than two consecutive terms, ~~except for the director of the~~  
18 ~~department of education or the director's designee, who shall~~  
19 ~~serve until the director's term of office expires.~~ A member of  
20 the board, ~~except for the two public members and the director~~  
21 ~~of the department of education or the director's designee, who~~  
22 is a licensed practitioner appointed pursuant to section 272.3,  
23 subsection 1, paragraph "b", shall hold a valid practitioner's  
24 license during the member's term of office. A vacancy exists  
25 when any of the following occur:

26     *a.* ~~A nonpublic member's license~~ The license of a licensed  
27 practitioner appointed pursuant to section 272.3, subsection 1,  
28 paragraph "b", expires, is suspended, or is revoked.

29     *b.* ~~A nonpublic member~~ licensed practitioner appointed  
30 pursuant to section 272.3, subsection 1, paragraph "b", retires  
31 or terminates employment as a practitioner.

32     *c.* A member dies, resigns, is removed from office, or is  
33 otherwise physically unable to perform the duties of office.

34     *d.* A member's term of office expires.

35     Sec. 10. NEW SECTION. **280.33** **Incidents related to licensed**

1 **practitioners — reporting and investigation.**

2 The board of directors of a school district and the  
3 authorities in charge of each accredited nonpublic school shall  
4 follow the process created by the department of education  
5 pursuant to section 256.9, subsection 66, related to the  
6 reporting and investigation of an incident involving the  
7 possible commission of a felony by any employee of the board of  
8 directors of the school district or the authorities in charge  
9 of the accredited nonpublic school.

10 **Sec. 11. NEW SECTION. 280.34 Requirement to view public**  
11 **license information.**

12 Prior to hiring an individual who has been issued a license,  
13 endorsement, certification, authorization, or statement of  
14 recognition by the board of educational examiners, a school  
15 district or an accredited nonpublic school, as applicable,  
16 shall view the board of educational examiners' public license  
17 information to determine if the individual has a case pending  
18 with a finding of probable cause or any licensure sanction.  
19 This section shall not be construed to require the board  
20 of educational examiners to disclose unfounded, closed  
21 investigations.

22 **Sec. 12. BOARD OF EDUCATIONAL EXAMINERS MEMBERSHIP —**  
23 **TRANSITION.**

24 1. The terms of office associated with the members of the  
25 board of educational examiners shall, as of the effective  
26 date of this Act, be deemed to have expired, notwithstanding  
27 the terms of office associated with the members under section  
28 272.3.

29 2. For the members of the board of educational examiners  
30 first appointed by the governor on or after the effective date  
31 of this Act, five shall serve an initial term of two years  
32 and six shall serve an initial term of four years. When the  
33 governor appoints such members, the governor shall indicate  
34 whether the appointee's term shall be for two years or for four  
35 years. For purposes of the limitation on consecutive terms a

1 member may serve under section 272.4, subsection 1, a term of  
2 two years shall be considered a full term.

3 EXPLANATION

4 The inclusion of this explanation does not constitute agreement with  
5 the explanation's substance by the members of the general assembly.

6 This bill relates to education, including requirements  
7 related to mandatory reporters, a process for investigating  
8 complaints against school employees, and the responsibilities  
9 of the department of education (DE), school districts, charter  
10 schools, accredited nonpublic schools, and the board of  
11 educational examiners (BOEE).

12 Current Code section 232.69 (mandatory and permissive  
13 reporters) requires certain persons to report cases of abuse  
14 of a child who is under 12 years of age and authorizes those  
15 persons to make a report of abuse of a child who is 12 years  
16 of age or older. The bill requires the persons governed by  
17 Code section 232.69 to make a report of the abuse of a child,  
18 regardless of whether the child is 12 years of age or older.  
19 Additionally, the bill requires school employees who are 18  
20 years of age or older to report cases of abuse of children. The  
21 bill also requires that if a person making a report of abuse of  
22 children is a licensed school employee who reasonably believes  
23 the person responsible for the injury is also a licensed school  
24 employee, the person making the report shall identify the  
25 licensed school employee when making the report.

26 The bill requires the director of the DE to develop and  
27 implement a process for the reporting and investigation of  
28 any incident that arises which may reasonably lead to the  
29 conclusion that any individual who is employed by the board  
30 of directors of a school district, the authorities in charge  
31 of an accredited nonpublic school, or the governing board of  
32 a charter school, including an individual with a license,  
33 endorsement, certification, authorization, or statement of  
34 recognition issued by the BOEE, has committed a felony or  
35 engaged in certain specified conduct. The bill requires the

1 boards of directors of school districts, the authorities in  
2 charge of accredited nonpublic schools, and charter schools  
3 to follow this process. The bill provides that the process  
4 shall prohibit the board, the authorities in charge of an  
5 accredited nonpublic school, and charter schools from entering  
6 into certain specified agreements related to certain incidents.  
7 The bill also provides that the process shall require the  
8 board, the authorities in charge of an accredited nonpublic  
9 school, and charter schools to finalize the investigation of  
10 an incident even if the employee resigns or the employee's  
11 contract is terminated and to take certain specified  
12 actions with respect to employees who do not hold a license,  
13 endorsement, certification, authorization, or statement of  
14 recognition issued by the BOEE, including actions related to  
15 retaining complaints and notifying potential employers of  
16 complaints and reports. The bill immunizes the board, the  
17 authorities in charge of an accredited nonpublic school, and  
18 charter schools, and the board's, the accredited nonpublic  
19 school's, or the charter school's contractors against any civil  
20 liability arising from discussing an incident, past performance  
21 or actions, past allegations leading to discipline, or  
22 resignation with certain specified persons. The bill requires  
23 the BOEE to assess a civil penalty of not less than \$500 and  
24 not more than \$5,000 against the administrator of a school  
25 district, an accredited nonpublic school, or a charter school  
26 if the administrator fails to follow the process relating  
27 to incidents, and a civil penalty not to exceed \$10,000 if  
28 the administrator assists in the concealment, or attempted  
29 concealment, of an incident or certain conduct that is required  
30 to be reported.

31 Current law requires the BOEE to adopt rules that require  
32 the disqualification of an applicant for licensure, or the  
33 revocation of a license, if the person entered a plea of  
34 guilty to, or has been found guilty of, certain specified  
35 offenses. The bill modifies this provision to also require

1 the disqualification of an applicant for licensure, or  
2 the revocation of a license, if the BOEE has found by a  
3 preponderance of the evidence that the person committed certain  
4 specified offenses.

5 Current law requires the BOEE to adopt rules related to  
6 complaints that are filed by individuals who have personal  
7 knowledge of an alleged violation and the investigation of  
8 those complaints. The bill requires the BOEE to finalize  
9 the investigation of these complaints even if the licensed  
10 practitioner resigns or surrenders the licensed practitioner's  
11 license, certificate, authorization, or statement of  
12 recognition during the investigation. The bill requires the  
13 BOEE to adopt rules that require the collection and retention  
14 of those complaints and the evaluation of complaints that did  
15 not result in any discipline if similar complaints are filed  
16 against the licensed practitioner. The bill requires the BOEE  
17 to notify the public when a licensed practitioner who is the  
18 subject of an ongoing investigation has a case pending with a  
19 finding of probable cause. Additionally, the bill requires  
20 the BOEE to investigate an administrator employed by a school  
21 that employs a licensed practitioner who is the subject of an  
22 investigation to determine whether the administrator filed a  
23 written complaint against the licensed practitioner and to  
24 determine whether the administrator was required to report the  
25 licensed practitioner to the BOEE.

26 The bill modifies the membership of the BOEE. The bill  
27 establishes that the BOEE shall consist of 11 members. Six  
28 of the members shall be the parent or guardian of a student  
29 who is either currently enrolled or has been enrolled within  
30 the seven years immediately preceding the member's appointment  
31 in a school district, accredited nonpublic school, or charter  
32 school. Five of the members shall be licensed practitioners,  
33 including one administrator and one special education teacher.  
34 The bill makes conforming changes.

35 The bill provides that the terms of office of the current

1 members of the BOEE shall, as of the effective date of the  
2 bill, be deemed to have expired. Additionally, the bill  
3 provides that five of the members of the BOEE first appointed  
4 by the governor on or after the effective date of the bill  
5 shall serve an initial term of two years, and six of the  
6 members shall serve an initial term of four years. The bill  
7 requires the governor to indicate whether the appointee's term  
8 shall be for two years or for four years.

9     The bill requires school districts, accredited nonpublic  
10 schools, and charter schools, prior to hiring an individual  
11 with a license, endorsement, certification, authorization,  
12 or statement of recognition issued by the BOEE, to contact  
13 the BOEE to determine if the individual is the subject of  
14 an ongoing investigation, if a complaint or report has been  
15 filed against the individual, or if the individual surrendered  
16 a license, endorsement, certification, authorization, or  
17 statement of recognition prior to final disposition of an  
18 investigation.